

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

SYNAGRO TECHNOLOGIES, INC.,	)	CIVIL NO. CV04-00509 SPK LEK
	)	
Plaintiff,	)	MEMORANDUM IN SUPPORT OF BILL
	)	OF COSTS
vs.	)	
	)	
GMP HAWAI'I, INC.,	)	
	)	
Defendant.	)	
	)	

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**MEMORANDUM IN SUPPORT OF BILL OF COSTS**

Plaintiff Synagro Technologies, Inc. ("Synagro") prevailed against Defendant GMP Hawai'i, Inc. ("GMP") in its Counterclaim for breach of implied contract, which was filed September 2, 2004 ("Counterclaim"). As the prevailing party, Synagro is entitled to an award of costs in its favor and against GMP. See Fed. R. Civ. P. 54(d)(1) ("[C]osts other than attorneys' fees **shall be allowed as of course to the prevailing party** unless the court otherwise directs.") (Emphasis added). See also Local Rule ("L.R.") 54.2 and 54.3.<sup>1</sup>

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<sup>1</sup> The facts discussed in Synagro's *Motion for Attorneys' Fees and Related Non-Taxable Expenses*, which is filed concurrently with this Bill of Costs, demonstrate that Synagro is the prevailing party on GMP's Counterclaim. The costs requested herein are inextricably intertwined with and relate to Synagro's request for attorneys' fees and expenses. However, to ease the Court's review and provide a clear and concise itemization of the costs requested, Synagro submits its request for costs separately pursuant to L.R. 54.2 and 54.3. This Bill of Costs supplements Synagro's *Motion for Attorneys' Fees and Related Non-Taxable Expenses*.

Here, Synagro incurred \$6,907.06 in costs in prosecuting and defending GMP's meritless Counterclaim for breach of implied contract and punitive damages.<sup>2</sup> See Affidavit of Paul Alston (hereinafter "Alston Affidavit") at ¶ 14. As the prevailing party, Synagro requests that this Court award the following as costs, as verified and described in the attached Alston Affidavit:

**I. Costs pursuant to 28 U.S.C. § 1920(2) and Local Rule 54.2(f)(2) Related to Fees of the Court Reporter for all or any part of the Stenographic Transcripts Necessary for Use in the Case**

<b>Date Incurred</b>	<b>Description</b>	<b>Amount</b>
1/13/06	Original transcription re 12/14/05 Plaintiff's Renewed and Supplemented Motion for Summary Judgment on Defendant's Counterclaim Filed 9/15/04	\$151.25
7/15/05	Original transcript and one copy re: deposition of Peter Melnyk taken on 7/15/05	\$881.40
9/19/05	Original transcript and one copy re: deposition of Wagdy Guirguis, P.E. taken on 9/19/05	\$1,156.92
10/5/05	Original transcript and one copy re: deposition of Peter Melynck, Ph.D., P.E. taken on 10/5/05	\$672.91
	<b>Subtotal</b>	<b>\$2,862.48</b>

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<sup>2</sup> As previously stated, a separate request for attorneys' fees and related non-taxable expenses will be filed concurrently with this Motion pursuant to L.R. 54.3.

All vouchers, bills or other documents supporting the costs being requested in the above Section I are collectively attached to the Alston Affidavit as Exhibits "A" and "B".

**II. Costs Pursuant to 28 U.S.C. § 1920(4) and Local Rule 54.2(f)(4) Related to Fees for the Exemplification and Copies of Papers Necessary for Use in the Case**

<b>Date Incurred</b>	<b>Description</b>	<b>Amount</b>
9/11/04 - present	Photocopies from in-house photocopier (at \$.10 per page)	\$2,835.80
5/18/05	Copying charges by Professional Image re 741 file copies provided by Sakai Iwanaga & Sutton Law Group (black and white, color and oversize copies)	\$354.56
5/31/05	Copying fees by Sakai Iwanaga & Sutton Law Group re 78 file copies from Sakai Iwanaga & Sutton Law Group	\$11.38
8/23/05	Copying fees by Professional Image re 772 file copies of documents produced by GMP Hawaii, Inc. (black and white, and oversize copies)	\$124.17
8/26/05	Copying fees by Professional Image re 1,095 file copies of documents produced by GMP Hawaii, Inc. (black and white, color and oversize copies)	\$718.67
	<b>Subtotal</b>	<b>\$4,044.58</b>

All vouchers, bills or other documents supporting the costs being requested in the above Section II are collectively attached to the Alston Affidavit as Exhibits "A" and "C".

**V. Total Costs Taxed**

Fees of the court reporter for all or any part of the stenographic transcripts necessarily obtained for use in the case, pursuant to 28 U.S.C. § 1920(2) and Local Rule 54.2(f)(2)	\$2,862.48
Fees for the exemplification and copies of papers necessarily obtained for use in the case, pursuant to 28 U.S.C. § 1920(4) and Local Rule 54.2(f)(4)	\$4,044.58
<b>TOTAL</b>	<b>\$6,907.06</b>

Undoubtedly, based on history of this case and in light of the meritless claims advanced by GMP in its Counterclaim, costs in the amount of \$6,907.06 is appropriate and should be taxed and awarded in favor of Synagro and against GMP.

DATED: Honolulu, Hawai'i, April 21, 2006.

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/s/ MEI-FEI KUO  
PAUL ALSTON  
MEI-FEI KUO  
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SYNAGRO TECHNOLOGIES, INC.